

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION AT DAYTON**

Henry Cullins,

Petitioner,

-vs-

Warden, Lebanon Correctional Institution

Respondent.

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Case No. 3:08-cv-26

:

District Judge Walter Herbert Rice  
Chief Magistrate Judge Michael R. Merz

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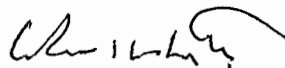
**ORDER ADOPTING REPORT AND RECOMMENDATIONS**

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The Court has reviewed the Report and Recommendations of United States Magistrate Judge Michael R. Merz (Doc. No. 15), to whom this case was referred pursuant to 28 U.S.C. §636(b), and noting that no objections have been filed thereto and that the time for filing such objections under Fed. R. Civ. P. 72(b) expired on November 10, 2008, hereby ADOPTS said Report and Recommendations.

It is therefore ORDERED that the Petition herein be dismissed with prejudice and Petitioner denied any request for certificate of appealability or to appeal *in forma pauperis*.

November 19, 2008



Walter Herbert Rice  
United States District Judge